

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY KENNEY,

Plaintiff,

vs.

OFFICER MATTHEW TURKO, AND
OFFICER ROBERT SMITH,

Defendants.

Civil Action No. 2:12-CV-551-LPL

Honorable Chief Magistrate Judge Lisa P.
Lenihan

**CONCISE STATEMENT OF
UNDISPUTED MATERIAL FACTS**

Filed on behalf of:
Robert Smith

Jury Trial Demanded

CONCISE STATEMENT OF UNDISPUTED MATERIAL FACTS

AND NOW, comes Defendant Smith, by and through undersigned counsel, Bryan Campbell, Esq., and files the within *Concise Statement of Undisputed Material Facts*, in support of Defendant's *Motion for Summary Judgment*:

1. The incident started as a traffic stop. The Defendants were in a police vehicle and attempted to pull over Plaintiff's vehicle. (Doc. No. 12, ¶ 9).

2. Plaintiff pulled over at the intersection of Lafayette Avenue and Olive Street. Kenney Depo., p. 55, attached as Exhibit A. At this intersection, Plaintiff's brother exited the vehicle and ran down Olive Street on foot. Kenney Depo., p. 61. Two officers left the unmarked police vehicle and chased after Plaintiff's brother. Kenney Depo., p. 62.

3. Plaintiff then started his vehicle again and pulled over down farther down Lafayette when he realized there were still officers in the vehicle. Kenney Depo., p. 70.

4. Once Plaintiff pulled over, the parties are in dispute as to what transpired. However, the witness Sarah Banks stated that when she looked out the window, she saw

Defendant Smith in Plaintiff's vehicle performing an inventory search. Banks Depo., p. 9, attached as Exhibit B.

5. She then stated that the officer standing over Plaintiff, picked him up, and sent him on his way. Banks Depo., p. 13. She stated the amount of time from when she first noticed the police lights outside until Plaintiff left was probably two minutes. Banks Depo., p. 14.

Respectfully submitted,

/s/ Bryan Campbell

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